

Vickers Charles R. (DNREC)

From: David Keifer [dkeifer@comcast.net]
Sent: Friday, May 05, 2006 12:05 PM
To: Vickers Charles R. (DNREC)
Cc: Solberg Carl
Subject: "State Resource Area Maps Comments"
Attachments: SC DE State Resource AreaComments050406.doc

Charles:

The attachment contains the comments of the Delaware Chapter of the Sierra Club on the proposed State resource area maps. If you have problems with the document (a Word file) or questions about our comments, please contact me.

Thanks

David R. Keifer, Sr.
Chapter Chair
Delaware Chapter, Sierra Club
2742 Hazletville Road
Dover, DE 19904-5542

302-678-2712

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Delaware Chapter, 2742 Hazletville Road, Dover, DE 19904-5542

May 4, 2005

Mr. Charles Vickers
Division of Parks and Recreation,
Department of Natural Resources and Environmental Control
89 Kings Highway
Dover, DE 19901

RE: State Resource Area Maps Comments

Dear Mr. Vickers:

Delaware Sierra believes that the Proposed Natural Areas Maps generally offer a balanced and conservative representation of the intentions of the controlling statute at Chapter 73 and largely represent appropriate sources and inputs. The passage of time during the development of these maps has permitted the loss of Delaware Natural Areas. Conserving what remains has become more critical than the framers of the Statute may have imagined.

Mapping the State Resource Areas (SRAs) in Chapter 75 of the Delaware Code is simultaneously a descriptive, analytic and regulatory exercise. We ask that you neither disregard nor over-emphasize this regulatory intention. Because Delaware does not coordinate land use planning from a cohesive and comprehensive statutory authority; planning, preservation, and conservation occur between and across the various levels of governments, agencies, and programs.

When Delaware's land use planning has the opportunity to collectively rely on a single data set, as in the case of the provisions of SRAs, we must look behind the most immediate level of land use cover descriptions and create maps of the landscape as it can actually function under the intended diverse authorities of multiple programs and levels of government.

As they are presently proposed, the SRAs capture the essential minimum natural components but offer an excess of mapping specificity and detail that betray the uniformly cohesive character of landscape and watershed resources. The proposed SRA coverage jumps from hedgerow to forest edge, to ditch bank and roadside in an overly zealous attempt to capture only the very most individually defensible land coverage elements. It is superior computer mapping work, but poorly anticipates its use under the land use provisions for Overlay District Regulations by County Land Use Planning at §7508.

This unfortunate technique results in the failure to adequately map and zone for broad transition areas around town centers, growth zones, older spot zoning, and annexations. It is equally rampant in water quality management and watershed protection where the transitions

from use support designation of stream segments to surrounding land use is not adequately recognized. Sierra, for instance, was unable to link existing streamside habitat data to pollution control strategies in the Consent Decree for the 1997 CWA §303D Lawsuit in District Court for water quality limited streams in Delaware.

We hope that the Open Space Program will address these SRA maps in a useful and effective fashion. We understand the role that the SCORP will play in implementing the State Trust Fund and other sources of community assistance to acquire inclusive easements and parklands. But the thrust and intent of §7508 will not be adequately served by the excessive detail and complex delineation of margins, edges, small farm fields, embedded agfields, buffers, and transitional habitats surrounding the proposed State Natural Areas. All lands of such nature and character should be identified within the Proposed SRAs in smoothly contoured polygons which will lend themselves to Local Overlay Ordinances.

We should leave to the counties and municipalities the constituent representation issues for preferences for tools to preserve open space resources and property values. We can leave to these local governments the issues of private land rights which are attendant on requests for map revisions, variances and waivers for cause in the same way we do so for floodplains and wetlands setbacks. Section 7508 makes sufficiently generous references to performance standards and development rights, clustering and transfer of development rights that we should not diminish the effect of conservation biology and science in the mapping process. The State Resource Area Maps should not offer anticipatory dispensation from the known synergies that exist between forest, meadow, marginal farm fields and other buffers of the Proposed State Natural Areas. The SRAs should provide this clarity.

Disproportionate impairments of the upland, wetland, and aquatic habitats of natural communities of the forest polygons are routinely observable throughout the proposed SRA maps. These habitat degradations are by encroachments of small isolated and "point" pasture fields and minor cultivated lands which intrude into the Natural Area forest cover. Any such configuration within these maps should be resolved by including the embedded farm field as a portion of the State Resource Area to function as a buffer on the core Natural Area.

This configuration occurs with sufficient frequency and geographic distribution that we cannot disregard the aggregate effect on the natural resources which these maps are intended to capture for preservation and planning purposes. Addressing this type of geographic situation throughout the maps is consistent with the guidance broadly articulated within the Land Protection Act.

There are numerous examples of this lopsided impact of small farm fields throughout the Blackbird-Millington Conservation Corridor and elsewhere within each of the three Counties. For example, the area between Lloyd Guessford Road, Dexter Corner Road, VanDyke Greenspring and Blackbird Station Roads will produce about a half dozen such specific instances of this relationship. This scrutiny will also reveal many more adjacent farmfields and pastures that were appropriately excluded because they contain actual constructed real property improvements or productive agfields.

While there is clearly no practical way to further delimit forestlands internally from their perimeters when they are impaired by embedded farmfields, we can capture the effect of these fields and edges, and therefore the planning and preservation intentions of the maps, by

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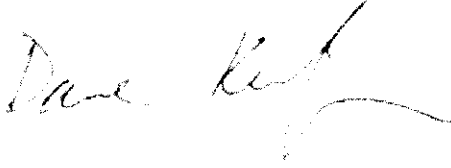
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including these additional small embedded pasture and crop fields in the proposed SRAs and surround the sensitive natural areas with a suitable safety net.

By way of conclusion and, in the simplest possible terms, the maps are way too detailed for general planning, which is what they are meant to serve. They come close to the ability to use computer geo-coping run amok. You may not have missed the forest for the trees, but you have not seen the critical areas for the property lines.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dave Keifer", with a long, sweeping horizontal stroke at the end.

David R. Keifer, Sr.
Chair
Delaware Chapter, Sierra Club

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